

From: "Neely, James" <James.Neely@kingcounty.gov>
To: "Fowlow, Jeffrey" <Fowlow.Jeffrey@epa.gov>
Date: 7/14/2020 2:13:43 PM
Subject: RE: Pillon

Thanks Jeff, we will get back to you.
Jim

From: Fowlow, Jeffrey <Fowlow.Jeffrey@epa.gov>
Sent: Monday, July 13, 2020 1:58 PM
To: Neely, James <James.Neely@kingcounty.gov>
Subject: RE: Pillon

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Hello, James. I hope your summer is going well.

We spoke about potential next steps while we were on site and after demobilization, but just to reiterate and answer your question, I am providing a list because I want to make sure I cover all the points for your consideration.

- a. We cannot arrange access for the county.
- b. We no longer have access even for ourselves.
- c. If during your investigations, you confirm a small amount of contamination, we expect the county should be able to deal with that themselves.
- d. If you confirm a large amount of contamination, EPA will consider whether the amount of contamination presents an imminent and substantial risk worthy of EPA conducting another removal action.
- e. Please keep in mind the restrictions of the petroleum exclusion to CERCLA.
- f. If we do decide we need access to conduct an additional removal action, we will have to request consent for access from Mr. Pillon and will have to go to federal court again to obtain it if Mr. Pillon denies consent.
- g. My manager is curious regarding the progress made by the county and state. Can you please give me an update?

Please give me a call if there is something you wish to discuss.

From: Neely, James <James.Neely@kingcounty.gov>
Sent: Monday, July 13, 2020 9:23 AM
To: Fowlow, Jeffrey <Fowlow.Jeffrey@epa.gov>
Subject: Pillon

Hi Jeff,

We have some funding available to remove the vehicles and equipment from the areas where there may be residual surface soil contamination. We are also working on the letter to request further EPA assistance. But there is an issue with access- Mr. Pillon's court supervision ends soon and the county lacks jurisdiction to enter. Would you know if EPA were to agree to remobilize, would EPA's access under CERCLA allow for the county to do the removal prior to your remediation work?

Thanks-Jim

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